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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,824	08/25/2003	Akio Tatsumi	16869P-078300US	3627
20350	7590	03/21/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			LE, NANCY LOAN T	
		ART UNIT		PAPER NUMBER
				3621

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JR

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/648,824	TATSUMI ET AL.	

  

Examiner	Art Unit	
NANCY LOAN T. LE	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 25 August 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. 10/648,824.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

<ol style="list-style-type: none"> <li>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____</li> </ol>	<ol style="list-style-type: none"> <li>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____</li> <li>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6)<input type="checkbox"/> Other: _____</li> </ol>
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## DETAILED ACTION

### ***Status of Claims***

Claims 1-23 have been examined.

#### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). A certified copy of the foreign priority document has been filed in the U.S. parent Application No. 10/648,824, filed on 25 August 2003.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

Claims 1-23 are rejected under 35 U.S.C. §102(e) as being anticipated by Gold et al., U.S. Patent Publication No. 2002/0188704, published on 12 December 2002.

As per claim 1, Gold et al. disclose a computer configuration modification method comprising:

- storing hardware configuration information comprising information regarding hardware configuration of a computer, a hardware contract renewal notification destination for the hardware of the computer, information regarding program configuration of the computer, and a program contract renewal notification destination for the program of the computer [0026, 0030, 0085, 0107];
- upon reception of a configuration modification request for the hardware configuration and program configuration of the computer to be modified, transmitting the information regarding the hardware configuration to be modified to the hardware contract renewal notification destination in order to modify the fee to be paid for the modified hardware, and transmitting the information

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regarding the hardware configuration to be modified and the information regarding the program configuration to be modified to the program contract renewal notification destination in order to modify the fee to be paid for the modified program [0031, 0079, 0089-0090]; and

- when license information transmitted from the program contract renewal notification destination is inputted, modifying the hardware configuration based on the information regarding the hardware configuration to be modified and modifying the program configuration based on the information regarding the hardware configuration to be modified and the information regarding the program configuration to be modified [0093, 0107].

As per **claim 2**, Gold et al. disclose the computer configuration modification method according to claim 1, wherein the license information includes a license key, and wherein the hardware configuration and the program configuration of the computer are modified based on the license key [0060-0062, 0085, 0093, & fig. 7].

As per **claims 3 and 10**, Gold et al. disclose the computer configuration modification method according to claims 2 and 9, respectively, further comprising: *"making a determination as to whether or not to perform the configuration modification based on a period of validity comprised in the license key"* [0018-0019, 0027-0028, 0032, 0085: second sentence, 0106].

As per **claim 4**, Gold et al. disclose the computer configuration modification method of claim 2, further comprising:

- comparing the hardware configuration with the license key [0093];
- if the license key contains a permissible hardware amount which is smaller than an actual hardware amount of the hardware configuration, then modifying a hardware amount used by the program of the computer to the permissible hardware amount indicated by the license key [0096-0097]; and
- if the license key contains a permissible hardware amount which is greater than the actual hardware amount of the hardware configuration, then modifying a hardware amount used by the program of the computer to the actual hardware amount of the hardware configuration [0098, 0111].

As per **claim 5**, Gold et al. disclose the computer configuration modification method according to claim 1, wherein when the configuration modification is performed, the configuration of the program is modified based on the modified hardware configuration [0098, 0100].

As per **claim 6**, Gold et al. disclose the computer configuration modification method according to claim 1 further comprising:

- receiving billing information for the modified hardware and the modified program [0115];
- determining whether or not the hardware configuration and program configuration contained in the transmitted license information match with the modified hardware and modified program corresponding to the received billing information [0093]; and
- if the hardware configuration and program configuration contained in the transmitted license information do not match with the modified hardware and modified program corresponding to the received billing information, then halting the configuration modification of the computer [0091, 0093, 0098: the last two sentences, 0100, 0108].

As per **claim 7**, Gold et al. disclose the computer configuration modification method according to claim 1, wherein the hardware configuration is modified when license information transmitted from the hardware contract renewal notification destination and license information transmitted from the program contact renewal notification destination are inputted [0093, 0107].

As per **claim 8**, Gold et al. disclose that in a computer readable medium containing a computer configuration modification program for modifying configuration of a computer, the computer configuration modification program comprising:

- code for storing hardware configuration information comprising information regarding hardware configuration of a computer, a hardware contract renewal notification destination for the hardware of the computer, information regarding program configuration of the computer, and a program contract renewal notification destination for the program of the computer [0026, 0030, 0085, 0107];
- code for, upon reception of a configuration modification request for the hardware configuration and program configuration of the computer to be modified, transmitting the information regarding the hardware configuration to be modified to the hardware contract renewal notification destination in order to modify the fee to be paid for the modified hardware, and transmitting the information regarding the hardware configuration to be modified and the information regarding the program configuration to be modified to the program contract renewal notification destination in order to modify the fee to be paid for the modified program [0031, 0079, 0089-0090]; and

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- code for modifying the hardware configuration based on the information regarding the hardware configuration to be modified and modifying the program configuration based on the information regarding the hardware configuration to be modified and the information regarding the program configuration to be modified, when license information transmitted from the program contract renewal notification destination is inputted [0093, 0107].

As per **claim 9**, Gold et al. disclose the computer configuration modification program according to claim 8, wherein the code for modifying comprises code for modifying the configuration of the computer based on a license key which is included in the license information [0060-0062, 0085, 0093, & fig. 7].

As per **claim 11**, Gold et al. disclose the computer configuration modification program according to claim 9, further comprising:

- code for comparing the hardware configuration with the license key [0093];
- code for modifying a hardware amount used by the program of the computer to the permissible hardware amount indicated by the license key, upon determining that the license key contains a permissible hardware amount which is smaller than an actual hardware amount of the hardware configuration [0096-0097]; and
- code for modifying a hardware amount used by the program of the computer to the actual hardware amount of the hardware configuration, upon determining that the license key contains a permissible hardware amount which is greater than the actual hardware amount of the hardware configuration [0098, 0111].

As per **claim 12**, Gold et al. disclose the computer configuration modification program according to claim 8, wherein the code for modifying comprises code for modifying the program configuration based on the modified hardware configuration when the configuration modification is performed [0098, 0100].

As per **claim 13**, Gold et al. disclose the computer configuration modification program according to claim 8, further comprising:

- code for determining whether or not the hardware configuration and program configuration contained in the transmitted license information match with the modified hardware and modified program corresponding to billing information for the configuration modification [0093]; and
- code for halting the configuration modification of the computer, upon determining that the hardware configuration and program configuration contained in the transmitted license information do not match with the modified hardware and modified program corresponding to the received billing information [0091, 0093, 0098: the last two sentences, 0100, 0108].

As per **claim 14**, Gold et al. disclose a computer configuration modification device comprising:

- a memory configured to store hardware configuration information comprising: information regarding hardware configuration of a computer, a hardware contract renewal notification destination for the hardware of the computer, information regarding program configuration of the computer, and a program contract renewal notification destination for the program of the computer [0026, 0030, 0085, 0107];
- means, upon reception of a configuration modification request for the hardware configuration and program configuration of the computer to be modified, for transmitting the information regarding the hardware configuration to be modified to the hardware contract renewal notification destination in order to modify the fee to be paid for the modified hardware, and transmitting the information regarding the hardware configuration to be modified and the information regarding the program configuration to be modified to the program contract renewal notification destination in order to modify the fee to be paid for the modified program [0031, 0079, 0089-0090]; and
- means, when license information transmitted from the program contract renewal notification destination is inputted, for modifying the hardware configuration based on the information regarding the hardware configuration to be modified and modifying the program configuration based on the information regarding the hardware configuration to be modified and the information regarding the program configuration to be modified [0093, 0107].

As per **claim 15**, Gold disclose the computer configuration modification device according to claim 14, further comprising means for modifying the configuration of the computer based on a license key which is included in the license information [0060-0062, 0085, 0093, & fig. 7].

As per **claim 16**, Gold et al. disclose the computer configuration modification device according to claim 15, wherein the license key includes a period of validity for modifying the configuration of the computer [0018-0019, 0027-0028, 0032, 0085: second sentence, 0106].

As per **claim 17**, Gold et al. disclose the computer configuration modification device according to claim 15, further comprising:

- means, if the license key contains a permissible hardware amount which is smaller than an actual hardware amount of the hardware configuration, for modifying a hardware amount used by the program of the computer to the permissible hardware amount indicated by the license key [0096-0097], and if the license key contains a permissible hardware amount which is greater than the actual hardware amount of the hardware configuration, for modifying a hardware amount used by

the program of the computer to the actual hardware amount of the hardware configuration [0098, 0111].

As per **claim 18**, Gold et al. disclose the computer configuration modification device according to claim 14, further comprising:

- means for determining whether or not the hardware configuration and program configuration contained in the transmitted license information match with the modified hardware and modified program corresponding to billing information for the modified hardware and modified program [0093]; and
- means, if the hardware configuration and program configuration contained in the transmitted license information do not match with the modified hardware and modified program corresponding to the received billing information, for halting the configuration modification of the computer [0091, 0093, 0098: the last two sentences, 0100, 0108].

As per **claim 19**, Gold et al. disclose a computer configuration modification system comprising:

- a computer having a modifiable configuration [0007-0009];
- a hardware management system configured to perform billing in accordance with hardware configuration of the computer [0115]; and
- a program management system configured to perform billing in accordance with the program configuration of the computer [0115];
- wherein the computer is configured, when a configuration modification request for the hardware configuration and program configuration of the computer is inputted, to transmit to the hardware management system information regarding the hardware configuration to be modified in order to modify the fee to be paid for the hardware following configuration modification, and to transmit to the program management system information regarding the program configuration to be modified together with the information regarding the hardware configuration to be modified in order to modify the fee to be paid for the program following configuration modification [0031, 0079, 0089-0090];
- wherein the hardware management system is configured, when the information regarding the hardware configuration to be modified is inputted, to modify the fee to be paid for the hardware based on the hardware configuration information and to transmit hardware billing information to the computer [0031, 0079, 0089-0090];
- wherein the program management system is configured, when the information regarding the hardware configuration to be modified and the information regarding the program configuration to be modified is inputted, to modify the fee to be paid for the program based on the hardware

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configuration information and program configuration information and to transmit program billing information to the computer [0031, 0079, 0089-0090]; and

- wherein the computer is configured, when the hardware billing information and the program billing information are inputted, to modify the hardware configuration based on the information regarding the hardware configuration to be modified and to modify the program configuration based on the information regarding the program configuration to be modified [0093, 0107].

As per **claim 20**, Gold et al. disclose the computer configuration modification system according to claim 19, wherein the hardware configuration and the program configuration of the computer are modified based on a license key generated by the program management system [0060-0062, 0085, 0093, & fig. 7].

As per **claim 21**, Gold et al. disclose the computer configuration modification system according to claim 20, wherein the license key includes a period of validity for modifying the configuration of the computer [0018-0019, 0027-0028, 0032, 0085: second sentence, 0106].

As per **claim 22**, Gold et al. disclose the computer configuration modification system according to claim 20, wherein the license key contains permissible hardware configuration and permissible program configuration [0093], and wherein the computer is configured not to modify the hardware configuration and the program configuration if the hardware configuration and the program configuration corresponding to the billing information do not match the permissible hardware configuration and the permissible program configuration contained in the license key [0091, 0093, 0098: the last two sentences, 0100, 0108].

As per **claim 23**, Gold et al. disclose the computer configuration modification system according to claim 19, wherein the computer is configured to modify the program configuration based on the modified hardware configuration [0098, 0100].

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - Method and apparatus for dynamic CPU re-configuration in a system employing logical processors, Robert Scott Ellsworth, U.S. Patent No. 6,195,750, published on 27 February 2001.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is (703) 305-0549. The examiner can normally be reached on Monday-Thursday, 6am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES P. TRAMMELL can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306, for official/regular communication. For informal/draft communication, the fax number is 703-302-3376 (rightfax).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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Hand delivered responses should be brought to Receptionist whose telephone number is (703) 305-3900 located in Crystal Park 5, at 2451 Crystal Drive, Arlington, Virginia 22202, seventh floor.

NL

03/07/2005

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